

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



October 27, 2003

Agenda ID #2896  
Adjudicatory

TO: PARTIES OF RECORD IN CASE 02-06-037

This is the draft decision of Administrative Law Judge (ALJ) Anne E. Simon. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANGELA K. MINKIN

Angela K. Minkin, Chief  
Administrative Law Judge

ANG:hl2

Attachment

Decision **DRAFT DECISION OF ALJ SIMON** (Mailed 10/27/2003)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Saul Martinez,

Complainant,

vs.

Southern California Edison Company,

Defendant.

Case 02-06-037  
(Filed June 19, 2002)

**OPINION REOPENING PROCEEDING AND ORDERING  
DISTRIBUTION OF FUNDS ON DEPOSIT**

**Summary**

We reopen this proceeding on our own motion to order the distribution to the complainant of the sum of \$19,105.81 deposited with the Commission pursuant to Pub. Util. Code § 1702.2.<sup>1</sup>

**Discussion**

We reopen this proceeding pursuant to our authority under § 1708 in order to provide for the distribution of the proper sum of money to the complainant pursuant to § 1702.2. In Decision 02-12-031, we dismissed this complaint upon

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<sup>1</sup> Unless otherwise indicated, all subsequent citations to sections refer to the Public Utilities Code.

the written request of the complainant. Based upon the written request of both complainant and defendant, we ordered the sum of \$19,726.64, represented to be on deposit with the Commission pursuant to § 1702.2, to be distributed to the complainant. In fact, the complainant had deposited the sum of \$19,105.81 with the Commission, which sum has been distributed to the complainant.

**Comments on Draft Decision**

The draft decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Section 311(g)(1) of the Public Utilities Code and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on \_\_\_, and reply comments were filed on \_\_\_.

**Assignment of Proceeding**

Geoffrey F. Brown is the Assigned Commissioner and Anne E. Simon is the assigned Administrative Law Judge in this proceeding.

**Findings of Fact**

1. The complainant, Saul Martinez, deposited \$19,105.81 with the Commission in connection with this complaint.
2. The sum of \$19,105.81 has been distributed to the complainant by the Commission.

**Conclusions of Law**

1. This proceeding should be reopened.
2. The final order in this proceeding should reflect that the sum of \$19,105.81 constitutes the money deposited with the Commission by the complainant.
3. In order to reflect the correct sum to be distributed, this order should be effective immediately.

**O R D E R**

**IT IS ORDERED** that:

1. The Commission's records and orders reflect that the sum of \$19,105.81 was deposited with the Commission by the complainant pursuant to Pub. Util. Code § 1702.2, and has been distributed to the complainant.

2. Case 02-06-037 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.